

Indiana Department of Education

Division of Exceptional Learners

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1994.03
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	January 24, 2003
DATE OF REPORT:	March 13, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	April 2, 2003

COMPLAINT ISSUES:

Whether the Clarksville Community School Corporation and the Clark County Special Education Cooperative violated:

511 IAC 7-27-2(c) by failing to provide adequate notice of a case conference committee (CCC) meeting scheduled for January 28, 2003.

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written.

511 IAC 7-27-4(c) by failing to utilize the entire CCC to develop and agree to the implementation of a behavior checklist.

On February 21, 2003, the complaint coordinator extended the original deadline for this report from February 21, 2003, to March 21, 2003, to allow sufficient time to investigate and complete the report.

FINDINGS OF FACT:

1. The student (Student) is 15 years old, attends a local junior high school (School), and is eligible for special education and related services as a student with an autism spectrum disorder.
2. The Complainant and the OT scheduled the annual case review (ACR) during a telephone conversation on January 15, 2003. The Complainant received a written reminder that was included in a staffing report dated January 15, 2003. The ACR convened on January 28, 2003, at which time the School presented a Notification of Case Conference letter pre-dated January 15, 2003. The Complainant signed the notification letter, but dated the signature January 28, 2003.
3. The Complainant states that when the Student enters assignments into the assignment notebook, they are very difficult to read. The CCC Report dated February 14, 2002, states: "[Student] will use an assignment notebook that he will fill out individually." The assignment notebook, dated August 15, 2002, through January 29, 2003, documents days when the daily assignments were written entirely by the TOR, days when the daily assignments were written entirely by the Student, and days when the TOR explained daily assignments and added comments in addition to the Student's entries.
4. The Complainant alleges that the study guides, used by the Student at home to prepare for tests were actual copies of the test being administered, and the Student was memorizing the information.

However, the Complainant does not allege that study guides are not being provided at all. The CCC Report dated February 14, 2002, documents: "All outlines and study guides will be filled out and highlighted with all information needed for test." The TOR reported study guides were sent home to the Complainant two days before the test was to be administered. There was no conclusive documentation to show a specific instance when the TOR did not provide a study guide per the IEP.

5. The February 14, 2002, IEP includes the following goal: "[Student] will explore vocational and career options available in school and community." The first objective dealt with school environments and the second objective with community environments. The TOR stated that the OT wanted to get the Student "in a routine" by being responsible for vocational activities within the school setting (library, cafeteria, clerical) before exploring options within the community. The year-end summary dated January 28, 2003, documents that "Exploring vocational/career options within the community was not introduced.
6. On February 14, 2002, the CCC determined that a behavioral intervention plan (BIP) was not needed. However, in October 2002, the Student seemed stressed so the teacher and the aide, on October 21, 2002, developed a data collection system to determine when specific behaviors were occurring. In December 2002, at the Complainant's request, data was no longer sent home, and in January, the School discontinued the data collection. The director of special education stated that this was not a behavior checklist used to reinforce or punish behavior, but was a system of looking for behavior patterns.

CONCLUSIONS:

1. Finding of Fact #2 establishes that the Complainant did not receive a copy of the Notification of Case Conference letter until the CCC convened on January 28, 2003. The parent is to receive the notice of the CCC meeting early enough to ensure that one or both parents have the opportunity to prepare for attendance. Therefore, a violation of 511 IAC 7-27-2(c) is found.
2. Findings of Fact #3 and #4 reflect that the February 14, 2002, IEP requires the Student to be responsible for writing assignments into his assignment notebook. The assignment notebook supports that the Student has been entering assignments into the assignment notebook. There was no conclusive evidence presented to support a specific incident when the study guide was not provided to the Student. Finding of Fact #5 establishes that the objective regarding vocational career options within the school setting was initiated before the community based instruction to enable the Student to adjust to following a routine. The goal was introduced, but not achieved in its entirety. Therefore, a violation of 511 IAC 7-27-7(a) is not found.
3. Finding of Fact #6 reflects that, in response to the Student's stress, the School observed the Student and gathered information in order to address the specific behaviors that were occurring. This information was not used to reinforce or punish behavior, or used as behavioral check lists. Therefore, a violation of 511 IAC 7-27-4(c) is not found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Clarksville Community School Corporation and the Clark County Special Education Cooperative shall:

Write a letter of assurance stating that all parents will receive adequate notice, a copy of the Case Conference Notification Letter completed with required information, early enough to ensure the parents have a reasonable amount of time to make the necessary arrangements to attend the CCC meeting. **A copy of the assurance letter shall be submitted to the Division no later than March 28, 2003.**